



Mediator Checklist

INFORM parties your opening will take a few minutes and ask them to relax until you are done.

INTRODUCE yourself and the parties. Use first names only if you have permission from the parties to do so. Introduce observers and explain their role.

COMMEND participants for using mediation.

REMIND participants that mediation is a voluntary process.

- Are the parties present voluntarily? Are there court orders?
- How were the parties referred?
- Are all parties required to reach agreement present?

REMIND participants that mediation is a CONFIDENTIAL process.

- Previously unreported abuse (child, elder, disabled, etc.) is an exception and must be reported.
- Mediators cannot be required to testify.
- All mediator notes will be destroyed.

DESCRIBE role of mediator.

- To be an impartial facilitator, not an advocate, attorney or judge.
- To assist parties in arriving at their own solutions.

DESCRIBE role of Parties.

- To mediate in good faith, be willing to listen, to share all pertinent information, to keep an open mind, be willing to negotiate without holding to a fixed position.
- To abide by rules of common courtesy, no interrupting or using inflammatory language.

EXPLAIN the process.

- Client opening statements and response period; emphasis on uninterrupted time.
- Developing an agenda/list of items to discuss.
- Negotiating *issues* and *interests* or concerns.
- Caucus (optional). Explain confidentiality and use.
- Settlement Agreement. Forms: Settlement is the parties' agreement and is legally binding. Settlement agreements are enforced by courts.

MEDIATION AGREEMENT [Form C]

- Give a copy to each side. Read it aloud.
- Have all sign the original

DETERMINE PROPER PARTY TO BEGIN